

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

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DARREN ROY,

Plaintiff

v.

DELL FINANCIAL SERVICES, LLC,

Defendant.

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CIVIL ACTION NO.  
3:13-cv-00738-ARC

(Judge A. Richard Caputo)

**MOTION OF DEFENDANT, DELL FINANCIAL SERVICES, LLC,  
TO DISMISS THE COMPLAINT OF PLAINTIFF,  
DARREN ROY, WITH PREJUDICE**

The defendant, Dell Financial Services, LLC (“DFS”), by and through its undersigned counsel, Duane Morris LLP, hereby moves to dismiss the complaint filed by the plaintiff, Darren Roy (“Plaintiff”), on March 22, 2013 (“Complaint”) in its entirety, with prejudice, for lack of subject-matter jurisdiction and for failure to state a claim upon which relief can be granted, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), respectively, and for such other and further relief as the Court may deem just and proper. A proposed form of Order is enclosed.

In support of this motion, DFS relies on the points and authorities, including controlling case law, statutes, and regulations, to be set forth in the Memorandum

of Law in Support of the Motion of Defendant, Dell Financial Services, LLC, to Dismiss the Complaint of Plaintiff, Darren Roy, With Prejudice, and all papers attached thereto, which DFS will submit within 14 days of the filing of this motion, in accordance with L.R. 7.5.

Respectfully submitted,

**DUANE MORRIS LLP**

Dated: May 21, 2013

/s/Anthony L. Gallia  
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*Attorneys for Defendant  
Dell Financial Services, LLC*

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**CERTIFICATE OF SERVICE**

I, Anthony L. Gallia, hereby certify that, on this 21st day of May, 2013, a true and correct copy of the foregoing Motion of Defendant, Dell Financial Services, LLC, to Dismiss the Complaint of Plaintiff, Darren Roy, With Prejudice, and the attachments thereto, were electronically filed with the Court on the below listed date and are available for viewing and downloading from the ECF System. All counsel of record were served via electronic notification.

Dated: May 21, 2013

/s/Anthony L. Gallia  
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*Attorneys for Defendant  
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